

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

INGfertility, LLC; and BIO-ORIGYN, LCC,

Plaintiffs,

v.

WISCONSIN PHARMACAL COMPANY,  
LLC,

Defendant.

NO. CV-08-264-JLQ

**ORDER ON PROTECTIVE  
ORDER HEARING**

**BEFORE THE COURT** are motions by both the Plaintiff (Ct. Rec. 36) and the Defendant (Ct. Rec. 40) seeking court entry of protective orders. At issue is the protection of discovery materials related to the Defendant's product, and its contention that such disclosed product materials originated with a third-party manufacturer whose trade secrets should be protected. The court heard expedited telephonic oral arguments in the matter on December 8, 2008. Robert Dunn appeared on behalf of the Plaintiff. David Hanson and Jeffrey Supinger appeared on behalf of the Defendant.

**IT IS HEREBY ORDERED:**

1. Based on the court's oral rulings, the parties shall formulate a protective order that permits Drs. Ellington and Clifton and Plaintiffs' experts to view and read the discovery materials which the Defendant seeks to be "Attorney Eyes Only." Copies of such materials shall not be made for nor furnished Drs. Ellington and Clifton without the agreement of the parties or Order of this court. The protective order shall require a log to be kept of those viewing such submittals designated "Attorney's Eyes Only." The protective order shall also require anyone viewing such submittals to sign an

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2 acknowledgment agreement regarding non-disclosure in the form previously furnished  
3 by the Defendant.

4 2. Both parties' motions for entry of a protective order (Ct. Recs. 36 and 40) are  
5 **DENIED**. Both parties' motions for expedited hearing on the matter (Ct. Recs. 34 and  
6 45) are **GRANTED**.

7 **IT IS SO ORDERED.** The Clerk is hereby directed to enter this Order and  
8 furnish copies to counsel.

9 **DATED** this 8th day of December, 2008.

10 s/ Justin L. Quackenbush  
11 JUSTIN L. QUACKENBUSH  
12 SENIOR UNITED STATES DISTRICT JUDGE  
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